

Department of Labor made a ruling and the case is not resolved. The ruling right now is on appeal to the State Appeals Tribunal, an agency that we have created in the Department of Labor to hear these cases, and it can be appealed from the Labor Tribunal, the Appeals Tribunal, on up to District Court. So Donnelley has not exhausted all the remedies that we already established in the area of unemployment to resolve this, and in fact Donnelley has asked the Appeals Tribunal not to rule on this case. They don't want any sort of ruling because they figure they can come to the Legislature and have us change the state law with this narrow exemption and, therefore, they would not have to go through the normal appeals process any other employer would do. So I would suggest three things about this company. One, I think that when they say they are going to move elsewhere, that at least on the research that I have had done there is only one other state where they could move that they would get a comparable unemployment status to the amendment that Senator Wesely has presented, and I would say that there are all sorts of other conditions in that state, wage levels, taxes and so on, that may not make Ohio more attractive than Nebraska. Second, the reason that this has finally come to light is that one of their employees decided to ignore the illegal agreement they were asked to sign, that the company asked them to sign, saying that they wouldn't apply for unemployment, and third, we have a process in place, an appeals process, that Donnelley would prefer not to use but every other company has to use to resolve whether or not the ruling of the Department of Labor is correct in this situation. I think that at the very least we should not act on this until Donnelley has exhausted the normal legal avenues that we established, the Appeals Tribunal. I don't think that we should be punching little narrow exemptions in narrowing the unemployment insurance base forcing other employers to pay higher unemployment insurance in order to sustain the employees...

SPEAKER NICHOL: One minute.

SENATOR FOWLER: ...by allowing one exemption for a company which already has violated state labor laws by asking their employees to sign an agreement that they shouldn't, and now is coming in and threatening this Legislature and this state claiming they are going to move some other place if we don't act. I would suggest that this employer be asked to follow the law, to follow the avenues of appeal, that the Department of Labor be allowed to make a ruling